

Application Serial No.: 10/649,948
Art Unit: 2644

Attorney Docket No. 22914.00
Confirmation No. 7141

Amendments to the Drawings:

A proposed drawing change is submitted herewith. Proposed changes are shown in red. The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Fig. 1, previously omitted elements 138, 140, 148, and 150 have been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

By the present amendment, Applicant has amended Claims 1, 2 and 11, and cancelled Claim 6. Claims 1-5, and 7-12 remain pending in the present application. Claims 1 and 11 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held June 30, 2005. The present response summarizes the substance of the interview. At the interview a proposed amendment to the claims was presented for discussion. Proposed amended independent Claims 1, and 11 set forth telephonic communication systems that provide an audio signal injected into the telephony communications so that both the user and the telephonically connected party both hear the audio simultaneously with the telephonic communication. In addition, a mute control is provided so that the user can selectively disable the injection of the audio into the telephonic communication. Further, the volume controls of each embodiment allow the user to adjust the volume of the audio heard by both the user and the telephonically connected party. Arguments were advanced that none of the applied prior art references provide the feature of injecting the selected audio into the telephony communication, so that both the user and connected party simultaneously listen to the generated audio and the conduct a conversation. The Examiner indicated that specifically reciting that the audio is *simultaneously* injected into the telephony communications would require further consideration in light of the applied prior art of record.

Applicant has amended the specification and drawings to clarify the disclosure and provide understanding to the claimed embodiments. Specifically, the reference numerals

138, 140, 148, and 150 were added to Fig. 1 to identify the audio selection and audio volume control buttons. The specification has been amended to reflect that the mute and volume controls allow the user to control the audio into the telephony communication, as shown in Figs. 3 and 5. Applicant respectfully submits that no new matter has been entered.

In the recent Office Action mailed March 11, 2005 the Examiner rejected Claims 1, 7-10, and 11 under 35 U.S.C. § 102(b) as being anticipated by Stamegna. Claims 1-3, 7, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hadley et al. Claims 1, 3-6, 11, and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. These rejections are respectfully traversed.

Applicant has amended independent Claims 1 and 11 to recite that the audio means is coupled to the transmit circuit so that the transmit circuit simultaneously transmits audio injected into the telephony communication, such that both the user and the connected party hears the generated audio. Also, the mute feature allows the user to selectively disable the injection of the audio into the telephony communication. Likewise, the volume control allows the user to adjust the volume level of the audio injected into the telephony communication. Applicant respectfully submits that for at least these reasons, independent Claims 1, and 11 are allowable over the prior art applied of record.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Each of the applied prior art references to Stamegna, Hadley et al., and Ellis et al. disclose multi-function telephonic devices however, neither or these references discloses the specifically claimed feature that the audio is injected into the telephony system so that upon

telephonic communications the user and the connected party both receive the generated audio. Aside from the explicit teachings of this feature, Applicant respectfully submits that neither Stamegna, Hadley et al. nor Ellis et al. anticipate the instantly claimed embodiments. Further, it is respectfully submitted that, aside from Applicant's own disclosure, there is rationale, guidance or motivation that would have led the skilled artisan to arrive at the claimed embodiments.

The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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